London Redeployment
Operating Framework

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(VERSION: FINAL)

Contents

1. Context & Introduction

1.1 Context

This document has been written to explain how the Redeployment Service (LRS) operates (including interactions between local regional and national organisations), its scope of operation and the timelines associated with the service delivery. The Redeployment Service Framework should be read in conjunction with the London Model Change Management Policy, produced by the London NHS Partnership.

1.2 Introduction

As a result of the financial challenges and the National Health Service Quality Innovation Productivity Prevention (NHS QIPP) challenge, which is required to sustain the economy throughout the global recession, the NHS continues to have a pressing need to maintain and improve quality at a reduced cost. Both quality and costs are directly related to the capacity and capability of our workforce and it is therefore imperative that we do all we can to protect and retain the valuable talent, experience and resource previously invested in our current workforce.

The London Redeployment Service (LRS) has been running since September 2010, with two further iterations since then. It has been an invaluable tool for many employers throughout the transition, with over 700 members of staff redeployed, saving at least the estimated £25million in redundancy.

Given the scale of reconfiguration and cost reduction across all NHS organisations in London, there is a pressing need to maintain the redeployment service across London with the following objectives:

1. To retain talent and to minimise the loss of valuable skills and expertise from the NHS across London, thus maintaining service levels for patient care

2. To support staff in finding suitable alternative jobs

3. To avoid compulsory redundancies wherever possible

4. To save money for the taxpayer

The remainder of this document provides the detail of the service, in particular:

► The background - design principles, agreed by the London NHS Partnership

► The operating framework for the redeployment service, incorporating:

  ► Identification and notification of roles at risk

  ► Processing a vacancy

  ► Entering the London Redeployment Service (LRS)

  ► Facilitating London-wide redeployment

  ► Managing the move

This work has been undertaken collaboratively between employers, employees and union representation. It has incorporated local and national best practice and forms part of the London Model Change Management Policy. Importantly, the approach described assumes that, as a starting point, all employers across London sign up to use the LRS and are committed to following the agreed approach. This is essential if the LRS is to achieve the objectives outlined above.

2.   Design principles

In order to develop an effective and pragmatic redeployment service in London, a set of design principles were developed and refined by the policy sub-group of the London NHS Partnership. Membership of this forum included employers, commissioners and staff side representation. These principles were developed through a series of one-to-one meetings and were formally signed off by the London NHS Partnership on 9thMay 2010

The principles are set out below.

Principles	Implications
1. Entry to the redeployment service to be based on planned organisational changes	▪ Clearly agreed criteria for entry into the redeployment service ▪ Service not to be used for managing poor performers out of the organisation
2. Employers using the service will need to sign up to a common set of redeployment principles and processes	▪ Common processes for vacancy matching ▪ Common database/register of service users ▪ London-wide agreement for funding transfers, training, allowances, salary protection etc ▪ Central advice and support provided for employers
3. The redeployment service will provide appropriate and pro-active support for users	▪ CPD budget available for defined transition training ▪ CV writing advice, interview advice, career coaching where appropriate ▪ General advice available for self-referrals, but admission limited to those meeting entry criteria
4. Employers will seek to redeploy their own "at risk" employees first before referring to the redeployment service	▪ Time limited period to redeploy internally, or fill vacancies internally, before referral to the redeployment service
5. Employers must retain responsibility for the employee until redeployment takes place	▪ The employer is responsible for pay and benefits during the period ▪ The employer is responsible for maintaining the required communications and supplying appropriate support for their employees
6. "At risk" employees will be prioritised for the filling of vacancies	▪ Prior notification of vacancies given to "at risk" employees ▪ Employers/employees both required to give justification for rejection of redeployment opportunity ▪ Order of priority: At risk, potentially at risk, everyone else ▪ The redeployment service should be fully utilised before posts are put to external advertisement
7. An open and transparent process will be maintained, allowing for monitoring and quality assurance	▪ Up to date data available to ensure the process is transparent ▪ Database/register of service users ▪ Individual records to give audit trail of options made available, discussions, interviews etc.
8. The service will be scalable, cost effective, simple and easy to use and flexible enough to cover the majority of cases	▪ Avoidance of rules to cover every circumstance ▪ Avoidance of complex, time consuming processes
9. The redeployment service processes and policies will be designed in accordance with employment law	▪ All processes and options should be non-discriminatory

These design principles have been extensively tested and aim to tackle the problems and perception that have historically faced redeployment services, such as being regarded as a way of managing poor performers out of the system.

3. The operating framework for the London Redeployment Service

To allow the rapid implementation and execution of the LRS, we have designed an operating framework for this service. This framework outlines the key steps for individuals and organisations through redeployment and describes in detail the sub-processes that the LRS will have to undertake.

The overall framework was defined and agreed by the policy subgroup; in addition, the detailed processes have been tested with a number of individuals and organisations to ensure they are pragmatic and can be implemented given the required time frames. The overall journey through the redeployment process can be seen in the following diagram. Each main step and its sub-components are then described in further detail.

The approach and content for this section has been drawn from the London Model Change Management Policy - Principles and Procedures, along with discussions with members of the policy sub-group, and should be read in conjunction with that document.

The Redeployment Service's end to end process is as follows:

1 Identify & notify employees at risk	2 Process a restricted vacancy	3 Attempt local redeployment & enter the redeployment service	4 Facilitate London-wide Redeployment	5 Manage the move

3.1 Identification and notification of staff 'At-Risk'

3.2.1 Granting Access to Restricted Vacancies

When changes in staffing levels or skill mix are proposed which lead to a reduction in the numbers of staff employed in particular grades, occupational groups or specialties, local management will identify the positions, individual staff or pool of staff that are at risk of redundancy – the "at risk" group. The identification of being at risk of redundancy is not a notice of redundancy.

Definition of 'At-Risk'
For the purposes of the London Redeployment service, 'At-Risk' means staff at risk of redundancy.

- Staff at risk of redundancy – where a formal process of consultation on redundancy has commenced.
- Staff on notice of redundancy – where formal notice of termination of employment has been given.

At the start of consultation individuals whose posts are identified as potentially at risk, either because their post is identified as diminishing or ceasing in the consultation document, should be set up with a 'Restricted' account on NHS Jobs in order to be highlighted as requiring priority consideration when applying for NHS positions. *This is done at the start of formal consultation in order to allow maximum opportunity for redeployment.*

Staff may be given notice of redundancy in accordance with the contract of employment whilst seeking suitable alternative employment.

Staff on fixed term contracts should be given access to the redeployment service if their post is being ended or not renewed because of organisational change or cost improvements. This may also apply to bank staff who have accrued one or more years' continuous service working on a genuinely regular basis (and have therefore accrued employment rights). These

staff should be informed they are at risk and given access to the Redeployment Service when they are informed that their fixed term contract will not be extended or renewed or at the point that they are issued with notice informing them of the expiry of the FTC, whichever is the earlier. In line with employment legislation staff on fixed term contracts who have been identified at risk will have equal access to restricted vacancies and should be considered on an equal footing regardless of whether they are on a permanent or fixed term contract.

The above also applies to individuals on maternity/paternity (and all related) leave and those on long term sick leave.

At this time the Redeployment Service applies to all staff, both clinical and non-clinical. However, it does not currently apply to medical Staff.

3.1.2   Declaring staff at risk

Staff at risk will be invited to a meeting(s) with their manager and trade union representative or work colleague to:

► Discuss how the proposed changes affect the individual

► Explain why the individual is at risk of redundancy

► Discuss ideas for avoiding redundancy dismissals, reducing the number of staff at risk who are made redundant and mitigating the consequences of any redundancy dismissals

► Explore the possibility of internal redeployment

► Explain the process for redeployment & priority for vacancies on NHS Jobs, if no internal redeployment is found.

► Explain the arrangements for protection of pay and terms and conditions where applicable

► Offer support and assistance

Discuss any other relevant issues and processes which may include providing a redundancy payment estimate if requested

Following the meeting, staff at risk will be given a letter within five working days to confirm their at risk status and the key points discussed at the meeting including answers, wherever possible, to questions raised at the meeting for which there were no immediate answers available at the time. The member of staff will also be required to meet with their nominated HR lead in order to provide details to start the process of finding a suitable post.

Staff at risk will be required to register with NHS Jobs and apply for posts via that medium. Local HR staff will then be responsible for recording the individual on NHS Jobs on the online 'at risk' register (setting up a restricted account). The email address entered on the restricted account should be the same as the employee's usual NHS Jobs login (if they have one).This will generate an email to be sent to the employee to allow them to be given priority for vacancies. For further details of how to do this on NHS Jobs, please see the guidance document provided by NHS Jobs. This can be found on NHS Jobs using the following link: https://www.jobs.nhs.uk/e_Info_07/Restricted_Vacancies_Guide_2010.pdf. It is important to note that the final field of the online form to complete for the setting up of a restricted account asks for 'status'. The "Looking for Work" option should be chosen here. If a person is later redeployed, this should be changed to "Redeployed".

Due to previous use of this NHS Jobs 'At-Risk' register, there are currently a large number of names still listed from each employer. It is imperative that before commencing use of this register, all employers cleanse their NHS Jobs At-Risk systems.

In order to use the facilities on NHS Jobs required for functioning the LRS, a member of Local HR Staff will need to register as an "Account Manager" on the website.

3.1.3   Allocating priority status

Staff at risk will be given prior consideration for posts, within their organisation and within the London region.

Staff at risk will be given prior consideration for other posts that are, or become, vacant in the Organisation during a specific organisational change and, subject to the arrangements regarding suitable alternative employment and trial periods, will remain on the register until their last day of service. If an employee leaves the organisation, their restricted account should be removed.

3.2   Processing Vacancies

3.2.1   <u>Internal Recruitment Process: Stage 1</u>

Having been approved by the organisation's internal vacancy control process, vacancies should then be advertised internally where appropriate in order to provide maximum opportunity for internal staff, and keep numbers of staff at risk of redundancy to a minimum.

3.2.2   <u>Prioritising At-Risk Staff: Stage 2</u>

Once stage 1 internal processes are complete, vacancies may be advertised openly, but with the following written as the first line of the job advert:

" *PLEASE NOTE: APPLICATIONS FROM NHS STAFF IN LONDON AT RISK OF REDUNDANCY WILL BE GIVEN PRIORITY* "

Applications from those who have been set up as at risk using the process above will appear with an at-risk icon (a small circle around a red "R") next to their names and reference number. If at-risk applications are received, the organisation's HR department should send only these candidates to the recruitment managers for shortlisting.

At-risk applications that meet the essential criteria of the person specification for the role must be interviewed first. If a suitable candidate is found from this pool, then there will be no need to proceed to shortlisting and interviewing the non-at-risk candidates.

3.2.3   Open Access: Stage 3

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If no at-risk candidates who meet the person specification apply for the role, then shortlisting and interviewing can take place as normal.

3.2.4   Points to note

- It is important to note that if an eligible candidate(s) who is at risk applies for a post, they must be considered against the person specification and, if appropriate, interviewed before any candidates who are not at risk.

- At-risk staff should still be considered as a priority over non-at risk staff.

- Employees registered as at-risk can apply for vacancies at a higher banding than their current role. However, staff will only be given priority status in the same or lower banded posts.

- If individuals choose to apply for a post at one band lower than their substantive band through the Redeployment Service, they are advised to discuss with their employer

whether pay protection applies. There may be economic reasons for the current ('sender') employer to support pay protection, as opposed to the cost of redundancy. If pay protection is not agreed between the three parties, the position will not be seen as Suitable Alternative Employment.

- Under reciprocal arrangements and to maximise redeployment opportunities across the system, at-risk staff in London may register additionally in other regional redeployment pools and at risk staff from other regions may register in the London redeployment pool. Such applications will be considered on a case-by-case basis.

3.2.5   Fixed Term Vacancies

Fixed term posts of 6 months or more should be advertised on the redeployment service to at risk staff. *A temporary position will not be seen as suitable alternative employment for permanent employees at-risk*, but the opportunity still needs to be offered so that it can allow for those who have been given notice of redundancy to extend their employment temporarily whilst still searching for suitable alternative positions on a permanent basis. It should be noted that if a position is offered on a fixed term contract basis, then liability for the employee will transfer to the new employer. If employers wish liability to remain with the original employer, then the position should be offered as a secondment.

3.2.6   Secondments

Secondments should also be advertised on the redeployment service, if no internal candidate is found. A secondment should have the same arrangements as usual, as per current best practice, with the member of staff remaining on the existing Trust payroll, and new organisation reimbursing them for the period of the agreement. At the end of the secondment, the member of staff will return to the original employer, who will retain liability throughout. *This arrangement will not be suitable for all situations* (such as where an organisation is unable to retain liability) and agreement must be secured with the employer before the employee can accept the position. It may be that a fixed term contract will need to be considered instead.

3.2.7   Suitable Alternative Employment

Reference is made to the definition of Suitable Alternative Employment in the Agenda for Change Handbook at Paragraphs 16.19 which states that when considering if a post is suitable alternative employment, regard should be had to the personal circumstances of the employee although the employee will be expected to show some flexibility. Advice should be sought from HR and the appropriate TU representative before agreement is reached.

There are responsibilities on both the employer and the individual to consider any NHS posts which could be deemed as suitable alternative employment where an individual has been declared as at risk and a job in a different organisation becomes available and for these to be discussed and a mutually acceptable decision made.

Although employment will initially be sought within the employee's existing organisation, employees may also be required to consider suitable posts in other NHS organisations, as stated in the Agenda for Change Handbook at Paragraphs 16.17, which states that employees risk exclusion from eligibility for redundancy payments if they <u>unreasonably</u> refuse to accept or apply for suitable alternative employment with the same – or another – NHS employer.

Individuals who take up posts in different locations within the same organisation do usually receive some excess mileage for a designated period, depending on the organisation's Change Management Policy. If an individual accepts a post in a different organisation, the issue of excess mileage will need to be agreed with the employer and the individual (and their TU representative) concerned.

A temporary position will not be seen as suitable alternative employment for permanent employees at-risk, but the opportunity still needs to be offered so that it can allow for those

who have been given notice of redundancy to extend their employment temporarily whilst still searching for suitable alternative positions on a permanent basis.

3.3   Entering Employees on the redeployment service

3.3.1   Cross-Employer Collaboration

Organisations will provide their own HR resources for the redeployment of staff employed by that organisation.

All employers have responsibility for discussing the 'At Risk' status with their employees and explaining what this means in terms of the LRS. They may also provide support throughout the process. However, it is the responsibility of the employee to actively search for posts and apply for suitable roles.

The Organisation-level ('local') HR department will be responsible for registering their 'At Risk' staff on the NHS Jobs At-risk register so that they can be given priority for vacancies. When employees have been registered, all employers will be obliged to prioritise these staff when filling vacancies.

The redeployment service is only available for staff declared At Risk. It is not for purposes of moving on employees for ill-health or performance management reasons. Separate processes should be used within the organisation under such circumstances.

3.3.2   Record Keeping

The Redeployment Service is currently monitored centrally by NHS Employers, through the NHS Jobs website.

However, it will still be necessary for individual organisations to maintain records of the movements and status of their employees. Once At-risk status is registered, details of applicants at risk should be retained on an individual employer level. The following details should be retained by the employer:

- individual's name
- current post and band
- employing organisation
- NHS email and telephone contact details
- date of formal notification 'at risk'

It may be necessary for this information to be shared on a pan-London level for potential vacancy matching and monitoring reasons.

The LRS processes are subject to review by an internal audit. Records should be kept at Organisation level to show:

► The date of "At risk" status being declared

► Registration date and approval for LRS

► Records of any refusals of suitable alternative employment options and reasons given

The local HR lead should also maintain records of all feedback forms from vacancy holders following any selection processes the employee has been involved in. Any documentation relating to recruitment exercises, including all applications, should be retained, released and destroyed in accordance with the Data Protection Act.

The NHS Jobs Restricted Account register should also be kept up to date. For example, if a person who was previously at risk is then redeployed, the restricted account should be removed. Subsequent removal of the account is important as the individual will no longer be at risk, so should no longer be given priority for vacancies.

3.3.3 Additional Support for Employees

Employees registered with the LRS will be made aware, through their HR Lead, of the services available to them. These services may include:

► CV support and interview advice sessions

► Outplacement Services

► Career counselling

► Health & Wellbeing advice & services

Any requests for these services must be submitted by the employee to their HR department.

3.4 Notification of Suitable Roles

3.4.1 Selection process

An "At risk" candidate will be indicated on the website by the at-risk icon against their reference number with their application. At-risk staff should be appointed unless it can be demonstrated that all the "At risk" applicants are not suitable for the post.

Organisations have a responsibility to follow best practice in notifying unsuccessful candidates of the decision made and reasons. Local HR leads should also be kept informed.

3.4.2 Trial Period

All offers of posts through the LRS may be subject to a 4 week trial period. This can be extended if deemed necessary by mutual agreement. Should it be decided by either party by the end of the trial period that the role is unsuitable, the employee returns to their "at risk" status. The reasons for non-suitability will need to be fully documented.

It is suggested that the 4 week trial is carried out using processes used for new employee probation periods – therefore the new employer will take on employment of the individual and will pay them during the trial period. If not successful, at the end of the period the individual will go back to being employed by the original employer. Mandatory checks should be carried out as per the usual policies and procedures of the organisation before the trial period begins.

3.5 Roles & Responsibilities

3.5.1 Organisation Level HR staff / designated lead Role

Line Managers will be responsible for the redeployment of eligible employees. Organisation HR staff will be responsible for supporting the process of this redeployment within their Organisation..

Responsibilities will therefore involve:

- Registering at-risk staff within their organisation as "at-risk" on NHS Jobs. This involves setting up a restricted account for each at-risk individual. This will generate an email to the member of staff and provide them with priority for suitable vacancies by showing the at-risk icon on any of their job applications on NHS Jobs.. When an at-risk employee is successful at finding alternative employment, the Local HR lead must remove them from the "at-risk" register. It may also be necessary to 'cleanse' the at-risk register before commencing the LRS, and on a regular basis thereafter.

- Internal redeployment of Organisation staff – as with current internal redeployment systems, HR staff will be responsible for maintaining records of internal staff at risk, and providing appropriate support throughout the process.

- The management of vacancies on NHS Jobs

- The maintenance of up-to-date records – ready to share information on request with other employers and for monitoring reasons at pan London level.

3.5.2   Employee's role: Applying for vacancies

It is the responsibility of staff registered on the LRS to ensure that they regularly check NHS Jobs for suitable roles – ideally every day. Local Organisations may appoint protected time within work hours for registered employees to search for jobs.

Employees should also maintain regular contact with their Local HR Leads, and be available to them in order to keep updated about potential opportunities.

3.6   Managing the move

3.6.1   Setting up transfer conditions

To expedite the move between organisations and to avoid unnecessary redundancies, the responsibilities of current and future employers and the employees is set out below.

3.6.2   Current Employer

The employer of the individual at-risk and within the LRS is responsible for paying the employee's salary throughout the process until their contract is terminated. If redeployment has been unsuccessful they will also be responsible for paying redundancy costs.

They are also responsible for supporting their employees throughout the process, and providing HR resource for vacancy matching of at-risk staff within the Organisation.

Pay protection, travel and training costs should be applied on a case by case basis, depending on the organisation's change management policy. In the case of secondments, the organisation's secondment policy should be used and agreement made with the new employer.

3.6.3   New Employer

The employer that the at-risk member of staff is successful in securing a position at is responsible for providing all usual induction and training that comes with recruiting a new member of staff, as well as meeting their salary costs from the date of commencement.

3.6.4 Sharing Risks and Savings

Redeployment can save an employer significant redundancy costs whilst passing on risk and liability to the receiving employer. Sometimes this can inhibit the willingness of employers to accept someone from the redeployment register. It is recommended that the employer saving redundancy costs through redeployment of a member of staff to another employer could enter into an agreement to share the savings and thereby mitigate the risk and exposure of the receiving employer.

In these circumstances it is suggested that where a receiving employer agrees to accept a displaced employee on secondment or on fixed term contract, the extent of that employer's liability could be limited to the additional service accrued. Any such agreement over costs shall not affect the entitlements of the employee.

Parties should develop any agreement to suit their needs on a case by case basis.

3.6.5 Employee

The at-risk employee is responsible for ensuring that all parties are informed of the new position and that they are available for training and induction as necessary.

4. Review of Process

We are constantly working to improve this system to make it easier to use and as effective as possible. This is the fourth version of this document following review in 2013, and further reviews will take place on a regular basis. In between these times, 'Frequently Asked Questions' documents may be issued if numerous queries of a similar nature occur, or if an issue requires clarification. These documents, when issued, should then be read in conjunction with this Operating Framework.

If you have any questions or comments on the process, please contact:
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